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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,120	03/08/2001	Ashley Saulsbury	16747-012110	5587
20350	7590	07/05/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			TSAI, HENRY	
		ART UNIT	PAPER NUMBER	
		2183		

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/802,120

**Applicant(s)**

SAULSBURY ET AL.

**Examiner**

Henry W.H. Tsai

**Art Unit**

2183

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 6/20/05 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 8,17 and 27.

Claim(s) rejected: 1-7,10-12,14-16,19,21,22,24-26, and 28-35.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  
 13.  Other: Form 892.

*[Signature]* 6/29/05  
**HENRY W. H. TSAI**  
**PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 6/20/05 have been fully considered but they are not deemed to be persuasive. Regarding drawings problems, Applicant's response has completely overcome the objections. Applicants argue that "Patel has hardware JAVA registers 44 which hold the program counter ("PC") that are outside of the CPU 25. The PC of the present invention is included in the processing pipeline of the processing core." Examiner realizes the structure of Patel et al.'s system. However, as set forth in the final rejections, the whole system 20 comprising JAVA accelerator (detailed structure shown in Fig. 3) is best reasonably and broadly interpreted as a processing unit or core. Therefore, the PC is in the register file of the processing core. Applicants further argue that "while there may be no universal definition of "processing core" those of ordinary skill in the art recognize that a "processing core" is necessarily within a CPU. In broad interpretations, processing core may be used synonymously with CPU. However, applicants assert that a "processing core" is not outside of the CPU as those terms are reasonably understood by those of skill in the art." Examiner disagrees with the Applicants. Broadly, a processing core can comprise a CPU such as the Patel et al.'s system 20 shown in Fig. 1. A "processing core" is not necessarily within a CPU. Applicants further argue that "from Fig. 3 of Patel that the PC (located in the hardware Java registers) is not located within the processing pipeline." Examiner disagrees with the Applicants. The PC (located in the hardware Java registers) must be used in during the pipeline processing. It is therefore interpreted located within the processing pipeline. Applicants further argue that "The Office rejected the independent claim 19 as being anticipated by Drabenstott, and new dependent claim 33 depends from claim 19. However, in Final Office Action dated May 20, 2005, the office cites Patel for the proposition that "one of (the registers) comprises a program counter register" when addressing claim 19 (Final office Action, page 7, lines 1 1-14). As illustrated above, the claims fall outside of the scope of Patel. Further, there is no indication in Drabenstott where the PC register is located". Examiner agrees with the Applicants that using the teaching of Patel's reference in the rejection to claim 19 as being anticipated by Drabenstott is not proper (due to a typo). However, having a PC register used to keep track of which instruction is to be fetched next is inherent in a computer system such as Patel's system (see page 53, lines 5-7 and Fig. 3.5 in the attached reference, Stallings "Computer Organization and Architecture", 4th edition, 1996.